IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5059 of 2004

Between:

E.Kondaiah, S/o.E.C.Venkata Swamy A.P.Social Welfare Residential(Educational Institutions Society),

School/Jr.College(G) Kasa Gardens Srikalahasti, Chittoor District.

..... PETITIONER

AND

1 The Secretary, A.P.Social Welfare Residential Educational Institutions

Society, Masab Tank, Hyderabad.
2 The Principal, A.P.Social Welfare Residential School/Jr. College(G) Kasa

Gardens, Srikalahasthi, chittoor District.

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in stopping the salaries from 23.12.2003 onwards till now, as arbitrary, illegal and unjust and consequently direct the respondents to pay the salaries from 23.12.2003 onwards.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: VIJAYABHASKAR MOOLA

The Court made the following :

ORDER:

The writ petition is filed to issue *mandamus* declaring the action of the respondents in stopping the salary of the petitioner from 23-12-2003 onwards till now as arbitrary, illegal and consequently to direct the respondents to pay the salary from 23-12-2003 onwards.

2. The learned counsel for the petitioner submits that against the order dated 18-12-2003 of the first respondent awarding punishment of reversion to a lower cadre as Post Graduate Teacher (Physical Science) and posting at APSWR School, Allagadda, Kurnool District, petitioner filed W.P.No.27149 of 2003 before this Court and obtained interim stay of reversion in W.P.M.P.No.34401 of 2003 dated 30-12-2003.

3. A detailed counter-affidavit has been filed by the respondents stating that no stay was granted insofar as transfer of the petitioner is concerned and more so as petitioner was relieved on 23-12-2003 and the said interim order was passed on 30-12-2003, the interim order has become infructuous.

4. Heard the learned counsel for the petitioner and the learned standing counsel for APSWREI appearing for the respondents.

5. No explanation has been given by the petitioner as to why he has not jointed at APSWR School, Allagadda, Kurnool District, after relieving on 23-12-2003, in pursuance of his posting order. Therefore, it is not a case where the laches, if any,

are attributable to the respondents in not giving any posting orders. It is a case where the petitioner himself did not obey the orders of the respondents by not joining at the new place. As the petitioner himself commits laches, he is not entitled for the salary as claimed.

6. Therefore, the writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

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K.C.BHANU, J.

Dated 12-07-2005.

SKMR

..... REGISTRAR

copy to:

1 The Secretary, A.P.Social Welfare Residential Educational Institutions Society, Masab Tank, Hyderabad.

2 The Principal, A.P.Social Welfare Residential School/Jr. College(G) Kasa Gardens, Srikalahasthi, Chittoor District.

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